

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Ins.) No. 265 of 2020

IN THE MATTER OF:

Ankit International (Sole Proprietorship of Arun Jain)Appellant

Vs.

Unitech Machines Ltd. Through ResolutionRespondents
Professional Vivek Raheja & Anr.

Present:

**For Appellant: Mr. Krishnendu Datta, Senior Advocate with
Mr. Rahul Gupta, Advocate.**

**For Respondents: Mr. Vivek Raheja (IRP)
Mr. Rajat Asija, Advocate for R-1.
Mr. Alok Kumar, Advocate for R-2.
Ms. Ridhima and Mr. Sushil for UBI.**

O R D E R
(Virtual Mode)

03.06.2021: Heard Learned Counsel for the parties on Appeal as well as on I.A. No. 2965 of 2021.

Learned Counsel for the Respondent No. 2 submits that they have no objection if the impugned order may be set aside and the CoC may be directed to consider the revised Resolution Plan of the Appellant. However, he submits that the prescribed period of limitation for the CIRP is over.

Ld. Sr. Counsel for the Appellant submits that it will be appropriate to set aside the impugned order, however, the contentions raised in this Appeal may be left open. He also submits that the period of litigation since 29.11.2019 to till today i.e. 03.06.2021 is excluded even though in the light of the second proviso to Section 12(3) of the IBC, 60 days period is remain for completing CIRP.

Considering the submissions of Ld. Counsel for the parties, the impugned order dated 29.01.2020 is hereby set aside. we direct that the Appellant's revised resolution plan be put up before the CoC for consideration.

In peculiar facts and circumstances of this case, the contentions raised by the parties in this Appeal are left open.

The Appeal is disposed of as aforesaid, no costs.

**[Justice Jarat Kumar Jain]
Member (Judicial)**

**[Dr. Ashok Kumar
Mishra]
Member (Technical)**

sa/md